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Adjutant General's Branch
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B/49714-CC/AG/ECHS

12 Nov 2016

Air HQ (Subroto Park)/DAV
IHQ of MoD (Navy)/ PD ECHS (Navy)
HQ Southern Command (A/ECHS)
HQ Eastern Command (A/ECHS)
HQ Western Command (A/ECHS)
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HQ Northern Command (A/ECHS)
HQ South Western Command (A/ECHS)

ADVISORY: B/49714-CC/AG/ECHS/5-2016
DEFENCE OF ECHS REIMBURSEMENT CLAIM CASES IN CONSUMER FORUMS

1. Further to this HQ Advisory No B/49717-C/AG/ECHS dt 09 Oct 2015.
2. A No. of cases have been filed in Consumer Courts/Forums primarily against reimbursement of indl claims. Due to ignorance of policies, sometimes the ESM fraternity expect cashless treatment / full reimbursement of treatment taken at non empanelled hosp in a perceived emergency. In addn, instances have come to the notice where the veterans have opted for higher order treatment by agreeing to bear addl cost but have taken umbrage to ECHS worksheets of claim reimbursements and later gone to the court/consumer forums seeking higher amounts of reimbursements. Although as per the existing laid down procedures, empanelled hosps are mandated to offer cashless treatment ; full reimbursement in non empanelled facilities is highly improbable, in particular, as Non NABH rates notified by the govt are substantially lower.
3. Treatment in an emergency in a non empanelled facility is admissible subject to indl seeking EIR(Emergency Info Rep) within 48 hrs from his/nearest polyclinic. As per rules, refund is admissible as per CGHS rates / govt mandated rates (Auth:- Central Org ECHS letter No B/49773/AG/ECHS/Policy dt 20 Apr 2007). It may also be pertinent to point out that vide Ministry of Def, Deptt of Ex Servicemen letter No 22D(09)/2013/US(WE)/D(Res) dt 26 Jul 2016 read in conjunction with Cent Org ECHS letter No B/49770/AG/ECHS/Policy/2016 dt 31 Aug 2016, veterans are now auth reimbursement of charges if treatment is taken in govt hosps and Regional Cancer Centres. However, due to lack of awareness of ECHS rules and regulations, some veterans are adopting legal course which leads to enhanced paperwork and financial burden not only for the veterans but also for the org.
4. It is imperative that such legal cases are contested in the appropriate forum/court suitably. The relevant policies must be entrusted to the CGSC / counsel hired by respective Stn HQs in consultation with the concerned polyclinic and Regional Centre ECHS. Settled cases which can aid def of such court cases are given in fwg paras.

5. OA No. 85 of 2010-Filed by Lt Col KB Singh in AFT, Regional Bench, Lucknow

(a) **Brief Case.** The appellants wife, an under treatment diabetic patient, was admitted in a non empanelled hospital for an acute attack of Hypo Tension and Hypo Glycemia. The petitioner submitted indl reimbursement claim of Rs 4,83,477/- subsequently. The bills were processed and Rs 2,00,067/- were reimbursed by ECHS. The appellant filed a case for balance amount.

(b) **Judgement.** The Hon'able court dismissed the case stating that "Laid down policies do not permit payment of full amount to non empanelled hosp as claimed by the appellant."

(c) **Rationale.** Comparison of the working sheets and assessment carried out by ECHS were found to be correct. As per laid down policies, payment of full amt could not be justified. ECHS reimbursement is limited by CGHS/ Govt notified rates.

6. Case No 626 of 2011- Filed by Sub Satpal Singh (Retd) in District Consumer Disputes Redressal Forum Rewari, Haryana.

(a) **Brief Case.** The appellant was injured in a rd t/c accident and taken to the nearest hosp by the police. The appellant submitted indl reimbursement claim of Rs 4,26,741/-. The bills were processed and Rs 1,72,032/- were reimbursed by ECHS. The appellant filed a case for balance amount.

(b) **Judgement.** The Hon'able court dismissed the case stating that "The opposite parties are bound by the rules and regulations framed and as such they have reimbursed the amount as per CGHS rules."

(c) **Rationale.** The appellant could not produce any docs/law/circular in favour of his entitlement to draw the actual expenditure. Comparison of the working sheets and assessment carried out by ECHS were found to be correct. As per laid down policies, payment of full amt could not be justified.

7. Case No 05 of 2014- Filed by Nk Mohinder Singh (Retd) in District Consumer Disputes Redressal Forum Barnala, Punjab.

(a) **Brief Case.** The appellant was involved in an accident and reported to his polyclinic. The polyclinic in turn referred him to a polyclinic in a maj city nearby. However, the patient instead of taking a referral, went directly to an empanelled facility. The hospital after first aid did not treat him as no referral was there and case was not an emergency. Appellant took treatment in a non empanelled facility and paid Rs 95,000/- for treatment. On not being able to claim the amount, he filed a legal case.

(b) **Judgement.** The Hon'able court dismissed the case stating that "The appellant failed to bring any confidence inspiring evidence on record that he was suffering from such an injury which was threatening his life or there was an emergency and that he had no right to approach an empanelled facility without getting any referral from the concerned polyclinic."

(c) **Rationale** The complainant could not produce any docs other than a certificate from the treating hosp as an evidence of the kind of treatment he had undergone at the hosp. He also could not establish the emergency justifying his admission without referral.

8. In addn to the above, the website of CONFONET (Computerisation and Computer Networking of Consumer Forums) at www.confonet.nic.in may be utilised extensively to defend cases in Consumer Forums.

9. It is imperative that various functionaries/ local defending units/govt counsels be sensitized to provide adequate inputs to the honorable courts/forums in def of such cases in the interest of the org. Wherever reqd, expertise of ECHS staff at Stn level / Regional Centre / Central Org be availed by the defendants. Most of the policies are also available as pdf docu(s) on the official site of ECHS in the public domain at www.echs.gov.in.



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- For info pl